

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE - W/and of Private Road, 758' W of Earls Road and 2000' SW of Ebenezer Road  
15th Election District  
5th Councilmanic District  
Jack Farley - Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Jack Farley, by and through his attorney, John B. Gontrum, Esquire. The Petitioner requests a special hearing to approve an existing residence in an M.H. zone as a nonconforming use, a watchman's trailer in an M.H. zone, and the subdivision of the subject property to create a residential lot in an M.H. zone. The Petitioner also seeks a special exception to use the remainder of the subject property for an automobile dismantling, salvage and recycling facility, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: Using the B.R. zone requirements per Section 302 (or Section 1802.3.C.1 of the B.C.Z.R.) -- a variance from Section 238.2 to permit a side and rear yard setback of 5 feet each, more or less, in lieu of the required 15 feet and 30 feet, respectively, for an existing residence; from Section 408.2 to permit the existing screening and buffer in lieu of additional walls, screening or shrubbery and, further, to permit the storage of vehicles and scrap for storage or dismantling within 300 feet of any other zone, or within 30 feet of any adjoining property in lieu of the required 300 feet away from any other zone, or 30 feet from any adjoining property; and from Sections 409.8.A.2, 5 and 6 to permit the use of a crushed stone surface

in lieu of the required asphalt, cement or tar and chip, dead ends and striping, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Jack Farley, property owner, Frank Wheatley, and John Glucas. The Petitioner was represented by John B. Gontrum, Esquire. Also appearing on behalf of the Petition was Clyde F. Hinkle, Professional Engineer with Bafitis & Associates, Inc. Appearing as Protestants in the matter were Warren and Ida Doll, adjoining property owners.

Testimony indicated that the subject property, known as 516 Earls Road, consists of 4.9997 acres, zoned M.H.-I.M., and is improved with a one and one-half story residence to the rear of the property in the north-west corner of the site. The remainder of the property consists of a junk yard with accessory storage trailers and a watchman's trailer and office located to the front of the site. The Petitioner is desirous of subdividing the property to create a residential lot to the rear of the site with panhandle drive access to Earls Road along the northern property line. The residential lot, identified as Lot 1 on Petitioner's Exhibit 1, will consist of 1.35 acres, more or less, and contain the existing dwelling. The remaining 3.6497 acres, marked Parcel 1 on Petitioner's Exhibit 1, will contain the junk yard operation.

As to the relief requested for the existing dwelling, the uncontradicted testimony indicated that the subject dwelling has existed in the location shown on Petitioner's Exhibit 1 since 1841. The Petitioner testified that an addition was added to the dwelling in 1941, but that no other improvements or additions have been made to the dwelling since that time. It is clear that the subject dwelling has existed on the property in its present location since prior to the effective date of the

zoning regulations and as such, enjoys a legal nonconforming use. There is no justifiable reason why the Petitioner's request to approve a residential lot in the M.H. zone in order to legitimize existing conditions should not be granted. I will therefore grant this portion of the special hearing request.

The main thrust of the Petitioner's requests for special hearing, special exception and variances concerned the proposed automobile dismantling, salvaging and recycling facility to be located on Parcel 1 as shown on Petitioner's Exhibit 1. Testimony indicated that the Petitioner has operated a junk yard on this portion of the property for the past 5 years. Testimony revealed that the Petitioner obtained the requisite permits to operate the subject junk yard from Baltimore County prior to beginning the operation. The Petitioner is now desirous of establishing an automobile dismantling, salvage and recycling facility on the property and wishes to construct a pole building to house such use. The Petitioner is also desirous of creating a small watchman's residence with office space within the proposed building so that the existing watchman's trailer can be removed. Testimony indicated that if this request is granted, the existing watchman's trailer will be removed upon completion of the pole building and receipt of occupancy permits. Testimony revealed that the storage trailers on the site are not permitted and must be removed prior to the issuance of any permits for any future improvements to the site. The storage trailers are shown on Petitioner's Exhibit 1 with a note stating that they are to be removed, although no time period as to when they will be moved is indicated. As a condition to the granting of this relief, the Petitioner shall be required to remove the storage trailers prior to the issuance of any building permits. Further, the Petitioner shall be required to

remove the watchman's trailer upon receipt of an occupancy permit upon completion of the proposed pole building.

Mr. Farley testified that he currently operates the junk yard Monday through Saturday, from 8:00 AM to 5:00 PM. He testified that these are the hours that the public is permitted to enter the site, although employees sometimes stay after hours to complete a job assignment. Mr. Farley further testified that the surface of the junk yard is paved with crusher run which he believes is more than adequate for the storage of junked vehicles. He stated there is little traffic on the junk yard lot and therefore, dust is at a minimum. I find that the crusher run surface of the parking lot within the junk yard is an appropriate surface and a durable and dustless surface is not necessary. However, the private road which leads from Earls Road to the junk yard is a different matter. This private road passes two residences, one of which is owned by Mr. & Mrs. Warren Doll, who appeared in opposition to the request.

Mr. Doll testified that the current surface of this private road is crusher run. He stated that the dust created by vehicles traveling along this road is unbearable. He testified that he must keep his windows closed as a result of the dust problem and stated that the vehicles traveling along this road do so at a high rate of speed. Mr. Doll testified that this dust problem must be eliminated and vehicles slowed down.

I agree with Mr. Doll that the entrance road to the junk yard must be paved with a durable and dustless surface. Therefore, the Petitioner shall be required to pave the entire driveway from Earls Road to the existing junk yard with macadam paving. Inasmuch as the warmer weather is here and residents will want to open their windows for ventilation, I will require that this paving be done within thirty (30) days of the

date of this Order. Mr. Doll also testified as to the speed of vehicles using this driveway. Therefore, as a condition of the relief granted, it will also be necessary for the Petitioner to install speed bumps along this driveway to deter motorists from travelling too fast. Said speed bumps shall be located on this driveway every 150 feet, beginning at Earls Road and, moving in a westerly direction, ending approximately 750 feet from Earls Road. Approximately five speed bumps will be needed. They shall be of sufficient size to cause motorists travelling this roadway to slow down to no more than 5 mph in order to safely cross over them. Further, said speed bumps shall be installed at the time the driveway is paved with macadam. It shall be the responsibility of the Petitioner to forever maintain the macadam driveway and speed bumps in good condition, including the repair and maintenance of any cracks or potholes, for so long as he shall continue to operate the junk yard business. The residents who reside along this driveway shall not be called upon to contribute monetarily to the maintenance of same and I shall so Order as a condition of the relief granted.

Testimony was next offered concerning the existing screening on the property and the number of trees which buffer the junk yard use. The existing trees shall remain on the property and shall not be removed or disturbed by the Petitioner in any manner. The Petitioner shall submit a landscape plan of the existing tree line that buffers the subject property for review and approval by the Landscape Architect for Baltimore County. The Petitioner shall be prohibited from removing any of the trees and/or foliage shown on the approved landscape plan.

Finally reference is made to a comment made April 23, 1993 from J. Lawrence Pilson, Development Coordinator with the Department of Environ-

mental Protection and Resource Management (DEPRM). Mr. Pilson raises several concerns about the subject property, all of which must be addressed prior to the issuance of any permits for this property. Of particular note is paragraph No. 5 thereof in which Mr. Pilson identifies a failing septic system on this site. The Petitioner must correct this failing septic system prior to the issuance of any permits.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

It is clear that the B.C.Z.R. permits the use proposed in a M.H.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

cial exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, as modified herein, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public

good. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of June, 1993 that the Petition for Special Hearing to approve an existing residence in an M.H. zone as a nonconforming use, a watchman's trailer in an M.H. zone, and the subdivision of the subject property to create a residential lot in an M.H. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit an automobile dismantling, salvage and recycling facility on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: Using the B.R. zone requirements per Section 302 (or Section 1802.3.C.1 of the B.C.Z.R.) -- a variance from Section 238.2 to permit a side and rear yard setback of 5 feet each, more or less, in lieu of the required 15 feet and 30 feet, respectively, for an existing residence; from Section 408.2 to permit the existing screening and buffer in lieu of additional walls, screening or shrubbery and, further, to permit the storage of vehicles and scrap for storage or dismantling within 300 feet of any other zone, or within 30 feet of any adjoining property in lieu of the required 300 feet away from any other zone, or 30 feet from any adjoining property; and from

Sections 409.8.A.2, 5 and 6 to permit the use of a crushed stone surface in lieu of the required asphalt, cement or tar and chip, dead ends and striping, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days of the date of this Order and prior to the issuance of any building permits, all storage trailers located on the subject site shall be removed. The watchman's trailer shall be permitted to remain on the site until such time as the proposed pole building with watchman's residence and office space has been completed and is ready for occupancy. The temporary watchman's trailer shall be removed immediately upon receipt of any occupancy permits for the subject pole building.

3) The Petitioner shall pave the entire 758-foot private driveway from Earls Road to the junk yard within thirty (30) days of the date of this Order. Said roadway shall also be equipped with speed bumps, spaced 150 feet apart, beginning at Earls Road and continuing in a westerly direction to the junk yard. As previously stated, these speed bumps will be of sufficient size to force motorists to slow down to a speed of approximately 5 MPH in order to safely cross over them. It shall be the Petitioner's responsibility to maintain this private road and speed bumps thereon in good condition in perpetuity. The residents who reside along this private road shall not be called upon to make any monetary contribution to the upkeep and maintenance of this private driveway.

4) Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan depicting the existing tree line for review and approval by the Landscape Architect for Baltimore County. A copy of the approved landscape plan shall be submitted to the Deputy Zoning Commissioner prior to the issuance of any permits. The Petitioner is prohibited from removing any trees which currently exist on the site.

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ORDER RECEIVED FOR FILING  
Date 6/21/93  
By [Signature]

5) Petitioner shall comply with the recommendations submitted by DEPRM as set forth in the letter dated April 23, 1993 from J. Lawrence Pilson, a copy of which has been attached hereto and made a part hereof.

6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TNR:bjs

*Timothy H. Kotroco*  
TIMOTHY H. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 6/21/93  
By [Signature]

- 10 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 21, 1993

(410) 887-4386

John B. Gontrum, Esquire  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE  
W/end of a private road, 758' W of Earls Road and  
2000' SW of Ebenezer Road  
(516 Earls Road)  
15th Election District - 5th Councilmanic District  
Jack Farley - Petitioner  
Case No. 93-335-SPHXA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variances have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy H. Kotroco*  
TIMOTHY H. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

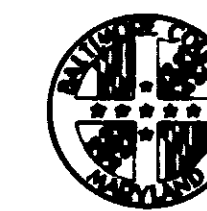
TNR:bjs

cc: Mr. & Mrs. Warren Doll  
512 Earls Road, Baltimore, Md. 21220

People's Counsel

☒ File

DEPRM



# Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 516 Earls Road

which is presently zoned MH

This Petition shall be filed with the Office of Zoning Administration and Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve:

- existing residence in an MH zone as non-conforming use
- watchman's trailer in MH zone
- subdivision of property to create a residential lot in an MH zone

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s)

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Baltimore County, Inc.

**EXHIBIT 'A'**  
**ZONING DESCRIPTION**  
**FOR**  
**#516 EARLS ROAD**  
**AND**  
**#512A EARLS ROAD**

Commencing from the intersection of Ebenzer Road and Earls Road running 2,000 feet, more or less, southwesterly along Earls Road to the north side of a 15' right-of-way, thence leaving Earls Road and binding on the North side of said right-of-way S.86°15'18"W., 785.5'± to the place of beginning; thence S.86°15'18"W., 1,035.0', thence S.02°29'39"E., 193.0'; thence N.86°15'18"E., 525.42'; thence S.85°47'42"E., 512.96'; thence N.02°29'39"W., 263.96' to the place of beginning. Containing five acres, more or less.

Together with a 15' right-of-way to Earls Road.



William Michael Ray, PLS  
MD. REG. NO. 516

May 7, 1993  
Date

Civil Engineers / Land Planners / Surveyors - 1249 Englebert Road / Baltimore, Maryland 21221 / 410-391-2336



Baltimore County, Inc.

**EXHIBIT B**  
**Lot 1**  
**516 Earls Road**

Beginning at the northeast corner of that tract of land conveyed to Jack Farley by deed dated June 15, 1987 and recorded in Liber 7587 at Folio 458, Baltimore County Land Records; thence, S.02°29'39"E., along the said tract east line, a distance of 7.50 feet to a point; thence, leaving the said tract east line and proceeding along a line of division of said tract the following seven courses: S.77°40'29"W., a distance of 30.17 feet to a point; S.86°15'18"W., a distance of 699.73 feet; S.03°44'42"E., a distance of 51.12 feet; S.49°26'09"W., a distance of 48.19 feet; S.67°15'18"W., a distance of 50.00 feet; S.35°43'04"W., a distance of 15.00 feet; S.12°13'40"E., a distance of 73.90 feet to a point in the same tract south line; thence, along the said tract original boundary the three following courses: S.86°15'18"W., a distance of 225.00 feet to the southwest corner of said tract; S.02°29'39"W., along the said tract west line, a distance of 193.00 feet to the northwest corner of said tract; N.86°15'18"E., along the said tract north line, a distance of 1035.00 feet to the place of beginning. Containing 58,805 square feet or 1.3500 acres of land.

Being a part of that tract of land conveyed to Jack Farley by deed dated June 15, 1987 and recorded in Liber 7587 at Folio 458, Baltimore County Land Records and located in the 15th Election District.



William Michael Ray, PLS  
MD REG NO 516

May 7, 1993  
Date

Civil Engineers / Land Planners / Surveyors - 1249 Englebert Road / Baltimore, Maryland 21221 / 410-391-2336



Baltimore County, Inc.

**EXHIBIT C**  
**Parcel 1**  
**512-A Earls Road**

Beginning at the southeast corner of that tract of land conveyed to Jack Farley by deed dated June 15, 1987 and recorded in Liber 7587 at Folio 458, Baltimore County Land Records; thence, N.85°47'42"W., along the said tract south line, a distance of 512.96 feet to an angle point in the said south line; thence S.86°15'18"W., continuing along the said tract south line, a distance of 300.42 feet; thence, leaving the said tract south line and proceeding along a line of division of said tract the following seven courses: N.12°13'40"W., a distance of 73.90 feet; N.35°43'04"E., a distance of 15.00 feet; N.67°15'18"E., a distance of 50.00 feet; N.49°26'09"W., a distance of 48.19 feet; N.03°44'42"W., a distance of 51.12 feet; N.86°15'18"E., a distance of 699.73 feet; N.77°40'29"E., a distance of 30.17 feet to a point in the said tract east line; thence, S.02°29'39"E., along the said tract east line, a distance of 256.46 feet to the place of beginning. Containing 158,979 square feet of 3.5497 acres of land.

Being a part of the tract of land conveyed to Jack Farley by deed dated June 15, 1987 and recorded in Liber 7587 at Folio 458, Baltimore County Land Records, and located in the 15th Election District.



William Michael Ray, PLS  
MD REG NO 516

May 7, 1993  
Date

Civil Engineers / Land Planners / Surveyors - 1249 Englebert Road / Baltimore, Maryland 21221 / 410-391-2336

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

District: 15th Date of Posting: 4/28/93  
Posted for: Special Hearing, Special Exception & Variance  
Petitioner: Jack Farley  
Location of property: Wend of private road, 758' W of Earls Rd & 2000' W of Ebenzer Rd, 516 Earls Rd  
Location of signs: Signs on property of Jack Farley, 516 Earls Rd, 512-A Earls Rd, 512 Earls Rd, 512A Earls Rd  
Remarks: Notice of hearing on Special Exception & Variance  
Posted by: William Michael Ray Date of return: 4/28/93  
Number of Signs: 3

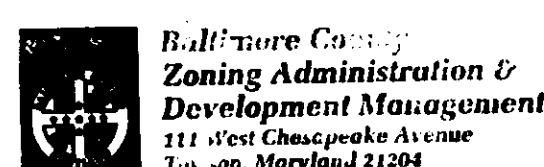
**CERTIFICATE OF PUBLICATION**

TOWSON, MD., April 16, 1993  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 15, 1993.

THE JEFFERSONIAN,

S. Zate Olson

Publisher



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number  
ITEM #347 (WCR)

Date 4/6/93

#080 - POSTING OF SIGNS (3 Signs) \$105.00

PETITIONER: Jack Farley  
LOCATION: 516 Earls Road  
DISTRICT: 15c5

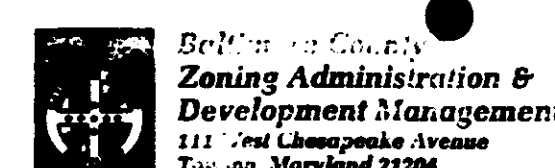
SPHXA FEES PAID BY SEPARATE RECEIPT ON 4/1/93

1003301230140RC  
\$4,009:37AN04-07-93  
\$105.00

Cashier Validation

Please Make Checks Payable To: Baltimore County

receipt



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number  
ITEM #347 (WCR)

Date 4/1/93

SPECIAL EXCEPTION (#050) \$300.00  
SPECIAL HEARING (#040) \$250.00  
VARIANCE (#020) \$250.00  
COMBINATION OF ABOVE (#070) \$650.00 TOTAL

PETITIONER: JACK FARLEY  
LOCATION: 516 EARLS ROAD  
DISTRICT: 15C5

03A03W0220140RC  
\$4,009:37AN04-02-93  
\$650.00

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

APR 08 1993

(410) 887-3353

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-335-SPHXA (Item 347)  
516 Earls Road  
Wend of private road, 758' W of Earls Road and 2000' W of Ebenzer Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Jack Farley  
HEARING: WEDNESDAY, MAY 19, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an existing residence in a R.M. zone as non-conforming use; to approve outdoor storage in R.M. zone; and to approve subdivision of property to create a residential lot in a R.M. zone.  
Special Exception for an automobile dismantling salvage and recycling facility in R.M. zone.  
Variance to permit a side yard of 5 ft. (4'-6") in lieu of the required 10 ft. and a rear yard of 5 ft. (4'-6") in lieu of the required 30 ft.; to permit no additional walls, screening or shrubbery in addition to the existing screening and buffer on site; to permit storage of vehicles and scrap for storage or dismantling with 300 ft. of any other zone, or within 30 ft. of any adjoining property in lieu of the required 300 ft. of any other zone and within 30 ft. of any adjoining property; and to permit the use of a crushed stone surface in lieu of requirements for asphalt, cement or tar and chip, dead ends and striping.

Arnold Johnson  
Director  
cc: Jack Farley  
John B. Contrum, Esq.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 10, 1993

John B. Contrum, Esquire  
814 Eastern Boulevard  
Baltimore, MD 21221

RE: Case No. 93-335-SPHXA, Item No. 347  
Petitioner: Jack Farley  
Petition for Special Hearing, Special  
Exception and Variance

Dear Mr. Contrum:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 31, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: April 16, 1993

FROM: Robert W. Bowling, Senior Engineer  
Development Plan Review

RE: Zoning Advisory Committee Meeting  
for April 19, 1993  
Item No. 347

The Development Plan Review Section has reviewed the subject zoning item. It should be noted that if approval is given to create a residential lot in an MH zone, then that subdivision plan is subject to Division 2 of the Development Regulations.

RWB:DAK:s

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

4-8-93

HELEN KENKING  
Ms. J. J. K. K. K.  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 347 (WCR)

Dear Ms. Kenking:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Kaller, Deputy Director  
Office of Planning and Zoning

DATE: April 22, 1993

SUBJECT: 516 Earls Road

INFORMATION:

Item Number: 347

Petitioner: Jack Farley

Property Size:

Zoning: M.H.

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant's site was subject to a reclassification petition (see Case No. R-89-460). Since this case was not adjudicated prior to August 1, 1991, it became part of the 1992 Comprehensive Zoning Map Process (see Issue No. 5-004). The plat accompanying this request should be amended to reflect the above information. As part of the 1992 CZMP, the Baltimore County Planning Board recommended to the County Council that the property's zoning be changed from W.L.-I.M. to M.H.-I.M. The Council approved the requested zoning on October 15, 1992.

Based upon a review of the information provided, staff recommends approval of the Special Exception and Special Hearing. The site is located a substantial distance from Earls Road and cannot be seen from the road.

The existing trees and zoning of adjacent land justifies the applicant's request for relief from Section 408.2. However, any trees removed from the site to facilitate the building or future location of any structure, should be replaced on a one-to-one basis.

Prepared by:

Division Chief:

PK/JL:lw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 16, 1993

FROM: Jerry L. Pfeiffer, Captain  
Fire Department

SUBJECT: Zoning Petitions

|      |  |
|------|--|
| #325 | No comments  |
| #327 | No comments  |
| #332 | No comments  |
| #340 | No comments  |
| #341 | No comments  |
| #342 | No comments  |
| #343 | No comments  |
| #344 | No comments  |
| #345 | No comments  |
| #346 | No comments  |
| #347 | No comments  |
| #348 | No comments  |
| #349 | No comments  |
| #350 | No comments  |
| #351 | The building shall be built in compliance with the applicable provisions of the Life Safety Code and the County Fire Code. |
| #352 | No comments  |

JLP/dal  
cc: File

RECEIVED  
APR 22 1993  
ZADM

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

April 23, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #347  
Farley Property; 516 Earls Road  
Zoning Advisory Committee Meeting of April 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.
2. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains apply to the site.
3. Additional information is needed from the applicant before the Department can complete the review of this zoning item. The applicant may contact the Environmental Impact Review Section of this Department at 887-3980 for details.
4. A wetland delineation was requested by this Department as a result of a previous zoning petition approximately a year ago.
5. Field inspection revealed that the septic system is failing to surface on intermittent basis. The "existing woodshed" depicted at southeast corner of proposed lot #1 is, in fact, a house trailer used for night watchman at adjacent junk yard depicted as proposed parcel #1. Recommendation to the Zoning Commissioner is not to approve variance until septic failure is repaired. Please contact Thomas Ernst of Ground Water Management at 887-2762 for details.

JLP:jbm

FARLEY/TXTMP

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 19, 1993

John B. Gontrum, Esquire  
814 Eastern Boulevard  
Essex, MD 21221

RE: Preliminary Petition Review (Item #347)  
Legal Owner: Jack Farley  
516 Earls Road  
15th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. A copy of these comments must be submitted with all revised plans and list revisions and date on the plans. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Indicate all front of building orientations and dimension all building to property line and between building setbacks. The future pole building is located approximately 50 feet from the existing watchmans trailer. This proposed setback will be deficient per Section 258, 238 and 102.2 (BCZR). An additional variance is required to permit this proposed setback.

John B. Gontrum, Esquire  
April 19, 1993  
Page 2

2. The three existing "storage trailers on wheels" shown on the plan are not permitted by Section 415.2 (BCZR) - Business or Industrial Use of Trailers. These trailers require a zoning special hearing to determine their legal non-conforming status or they must be shown to be removed.
3. The large lot table requirements referenced for the existing single family dwelling should be 15 feet for a tract boundary, not 10 feet to a side property line.
4. The zoning description indicates that this site is addressed as 516 Earls Road and 512-A Earls Road. This does not agree with the address on the petition form and plan, which is for 516 Earls Road. Correct this discrepancy. Also, the description for special hearing for residential use and the special exception for the dismantling operation encompasses the entire 5 acre site while two separate use areas are designated on the plan. The area for special hearing and variances should be described separately from the area for special exception and variances. The plan defines lot 1 with proposed metes and bounds for the residential special hearing on 1.35 acres and the special exception area is defined as Parcel 1 on the plan and contains 3.34 (+/-) acres. The requested variances are for the entire site.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

By: [Signature]  
Planner II

JLL:scj

cc: Zoning Commissioner

Enclosure: Receipts

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: Item No.: 347

Petitioner: JACK FARLEY

LOCATION: 516 EARLS ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Jack Farley

ADDRESS: 1200 Old Eastern Avenue

Baltimore, MD 21221

PHONE NUMBER: 391-3667

AJ:ggs  
(Revised 3/29/93)



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

*Wesley D. Dell*  
*John Dell*

*512 Carls Rd*  
*Caulton Ind 21220*

PLEASE PRINT CLEARLY

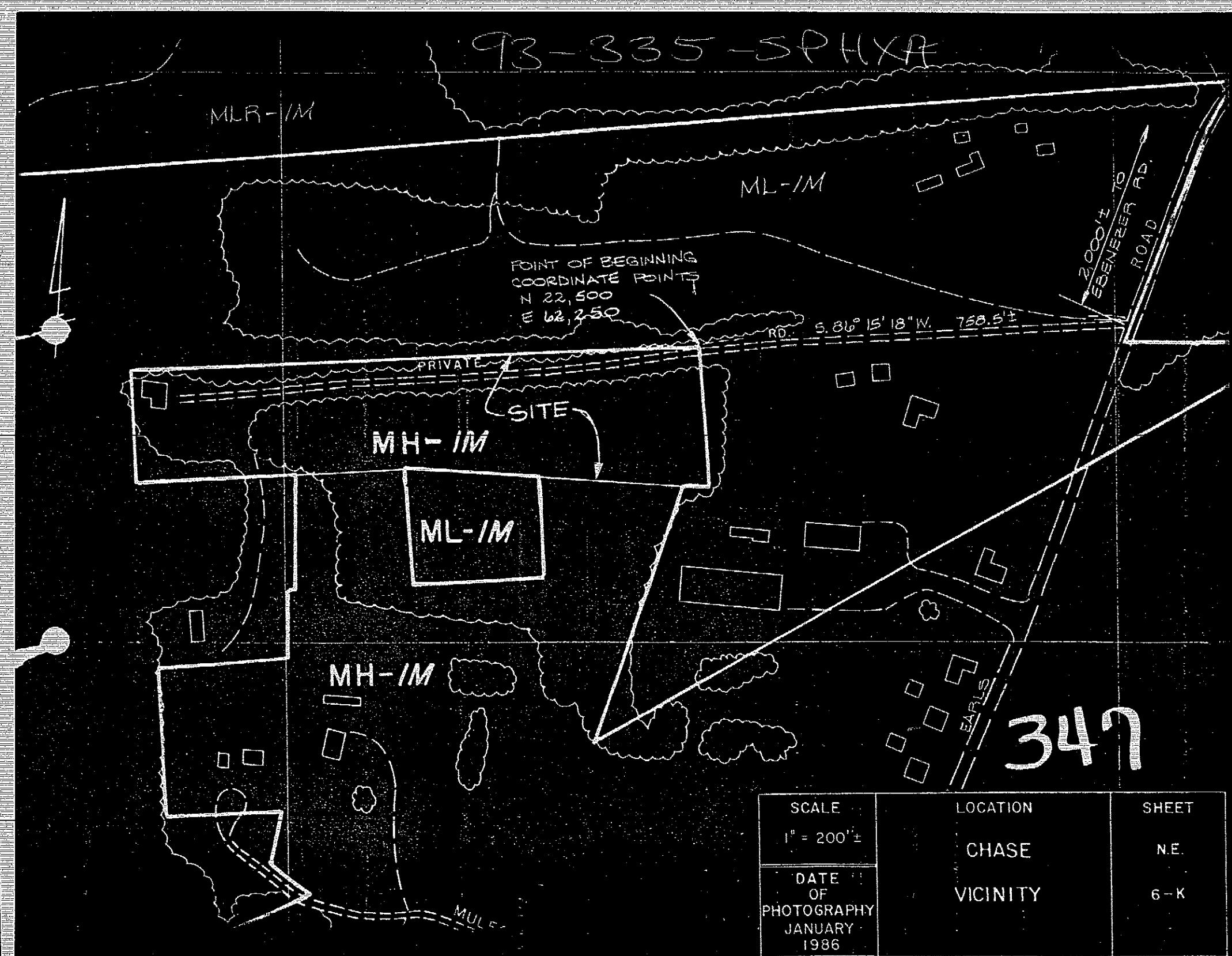
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

*Clyde F. Hahn*  
*JACK FARLEY*  
*John CLARK*  
*FRANK WHITLEY*

*WATKINS & SONS, INC.*  
*1341 E. MAIN ST. RD*  
*510 EARLE RD*  
*11605 EASTERN AVE*  
*1200 OLD EASTERN AVE*



|                    |                               |                      |
|--------------------|-------------------------------|----------------------|
| SCALE<br>1" = 200' | LOCATION<br>CHASE<br>VICINITY | SHEET<br>N.E.<br>6-K |
|--------------------|-------------------------------|----------------------|

*Protestant's*  
*Exhibits 1A-1K*  
*2A-2C*  
*3A-3E and*  
*4A-4E*

*photographs*  
*Case 93-335-SPHXA*  
*(Farley)*

